

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

JEFFREY PODELL,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:23-cv-1025-TSE-JFA
)	
)	
LLOYD J. AUSTIN, Secretary of Defense, <i>et</i>)	
<i>al.</i> ,)	
)	
Defendants.)	
_____)	

STATUS NOTICE WITH RESPECT TO COURT ORDER
OF NOVEMBER 29, 2023

1. Have the parties settled the case?

Answer: No

2. Is a prompt settlement expected?

Answer: Plaintiff stated that they are ready to respond to settlement discussions and offers promptly.

3. State position on whether a second settlement conference before Judge Anderson would be helpful.

Answer: Plaintiff has no objection to that and is willing to consider discussions if Defendant is.

4. Plaintiff does not know whether the settlement will be executed on or before December 25, 2023, but certainly will work diligently in that respect.

Subsequent Events

5. Ms. Spavins responded on Friday, December 1, 2023 that she would get back to counsel, “early next week with any proposed additions”.

6. As of Friday, December 8, 2023, at noon, Plaintiff’s counsel has not heard from Ms. Spavins and Plaintiff’s counsel will only be in the office until noon on Friday, December 8, 2023, because of Shabbat and the holiday.

Additional Information

7. By way of further background, by virtue of an email of November 27, 2023, the United States, through Ms. Spavins, provided an offer to which Plaintiff’s counsel responded the day after, November 28, 2023.

8. Magistrate Judge Anderson reached out to counsel on Monday, December 4, 2023.

9. Counsel for Plaintiff responded to Judge Anderson by sending him a copy of the agreement that counsel has reached thus far, showing any proposed changes in redline form and leaving two blanks as to matters not yet agreed to.

10. There was no response from Ms. Spavins.

11. There has been no further correspondence from Ms. Spavins on behalf of the United States either with respect to Plaintiff’s counsel’s reduction in demand set forth in correspondence of November 28, 2023; or to Plaintiff’s counsel’s circulation of a settlement agreement with a few items yet to be worked out or to Plaintiff’s counsel’s circulation of a response to the Court’s Order with respect to status.

12. All the documents referred to herein are available for Court review, if desired.

13. Plaintiff’s counsel remains committed to an attempt to resolve this case with a fair and reasonable approach.

14. Likewise, Plaintiff’s counsel is prepared to litigate this matter, if the United States has no interest in further discussions.

Respectfully submitted,

RIEDERS, TRAVIS, DOHRMANN,
MOWREY, HUMPHREY & WATERS

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